

# EXHIBIT D

## C&amp;S Attorneys' Fees

Date	Atty	Hrs.	Rate	Total	
<b>1. Case Development</b>					
7/30/2003 LRS		1.75	\$200		Review new correspondence and provide responses; work on statement of facts regarding Berry
7/31/2003 LRS		1	\$200		Review and comment on new pleadings
8/4/2003 LRS		0.75	\$200		Review new correspondence regarding Berry and service of process and prepare comments
8/5/2003 LRS		0.875	\$200		Review correspondence and provide comments on procedural issues relating to Berry copyright claims
					Telephone call with Hogan and Ichida; review new correspondence regarding settlement proposal and telephone call regarding same; review new correspondence regarding Hogan's mischaracterizations; follow-up telephone call with Ichida
8/8/2003 LRS		1.375	\$200		\$275 Ichida
8/20/2003 LRS		2	\$200		\$400 Review new Hawaii lawsuit and prepare comments
					Review new correspondence regarding Berry's claims and prepare comments; review correspondence regarding scheduling of Rule 26(f) meeting and prepare response
9/19/2003 LRS		0.875	\$200		\$175 Attend meet and confer conference
9/26/2003 LRS		0.5	\$200		Draft Rule 26(b) disclosure; Draft Scheduling Conf Statement
10/10/2003 AEL		2.6	\$120		\$312 for C&S/Fleming; Draft 26(a) Disclosure for both
					Review Hogan's email re: stipulation to postpone Nov. 17, 2003 hearing on Fleming's motion to dismiss pursuant to the first to
10/21/2003 AEL		0.15	\$120		\$18 file rule
					Review new pleadings; prepare correspondence regarding same; telephone conversations from Hogan regarding discovery and "meet and confer"
11/18/2003 LRS		2.25	\$200		\$450 prepare and attend meet and confer with Hogan
11/24/2003 LRS		1	\$200		\$200 Correspondence with Capozzola regarding copyright issues and expert witness
12/9/2003 LRS		1	\$200		\$200 Review new correspondence from Hogan and prepare response; research regarding scope of discovery
1/7/2004 LRS		0.75	\$200		\$150 Research regarding Mark Dillon's testimony and original
1/14/2004 LRS		1.5	\$200		\$300 creation

2/3/2004 LRS	2.5	\$200	\$500 Work on evaluation of copyright claim
2/6/2004 LRS	2.375	\$200	\$475 Attend status conference; work on settlement proposal
2/9/2004 AEL	1.85	\$120	\$222 Draft Confidential Settlement Conference Statement
2/10/2004 LRS	1	\$200	\$200 Revisions to settlement conference statement
2/11/2004 LRS	1.5	\$200	\$300 Correspondence regarding settlement issues
2/11/2004 AEL	0.2	\$120	\$24 Review latest correspondence, Court's Minutes
2/12/2004 LRS	0.75	\$200	\$150 Review new correspondence regarding settlement
2/16/2004 LRS	1	\$200	Review new correspondence from Betsi Silverman and prepare response
2/18/2004 LRS	0.5	\$200	Review new correspondence regarding proposed settlement and work on response
2/18/2004 AEL	2.25	\$120	\$100 and work on response
2/23/2004 LRS	1	\$200	Research re: Proposed Terms for settlement; draft Proposed \$270 Term Sheet
2/24/2004 LRS	1.5	\$200	\$200 Prepare letter regarding settlement recommendation
2/24/2004 AEL	1.3	\$120	Work on letter regarding settlement recommendation and proposed term sheet
3/3/2004 LRS	1.25	\$200	\$300 Work on Fleming, et al's Answer to Plaintiff's Second Amended \$156 Complaint
3/18/2004 AEL	0.3	\$120	\$250 Attend settlement conference and report to C&S and Fleming
3/22/2004 LRS	0.5	\$200	Review Orders from Judge Kobayashi re: plaintiff's filing of second amended complaint, appointing Bill Myer as mediator, \$36 and vacation of all dates pending mediation
3/26/2004 LRS	1.25	\$200	\$100 Work on letter to mediator
3/30/2004 LRS	1.5	\$200	\$250 Work on letter to mediator
4/2/2004 LRS	0.875	\$200	Review new correspondence re retention; review correspondence re investigation of new software and provide comments; work on revisions to letter to mediator
4/7/2004 LRS	1.5	\$200	\$300 settlement terms and prepare responses
4/8/2004 LRS	1.25	\$200	\$250 Work on recommendations regarding mediation
4/14/2004 LRS	1	\$200	\$200 Prepare documents for submission to mediator
4/16/2004 LRS	1.5	\$200	\$300 Attend conference with mediator

4/21/2004 LRS	2.25	\$200	Correspondence to mediator; correspondence regarding Berry's administrative claim
4/23/2004 LRS	2.5	\$200	Work on analysis of applicable legal standard re software "similarities", if any. Correspondence regarding mediation
4/26/2004 LRS	2.25	\$200	Prepare correspondence regarding responses to Berry claims; prepare for mediation
4/28/2004 LRS	2.375	\$200	Work on analysis of software and research new issues raised by Hogan
5/5/2004 LRS	3	\$200	\$475 Prepare and attend mediation
5/6/2004 AEL	2.2	\$120	\$600 Research regarding Plaintiff's interpretation of date of "publication" of software
5/6/2004 LRS	1	\$200	\$264 Review new correspondence re mediation report and prepare responses
5/10/2004 AEL	0.45	\$120	\$54 Finalize documents for transmittal to counsel for all defendants
5/10/2004 LRS	1.75	\$200	Attend conference with court; attend meeting of defense counsel; prepare report regarding same
5/11/2004 LRS	1.5	\$200	Telephone calls with Birchette regarding mediation and litigation; work on motions for partial summary judgment
5/12/2004 AEL	1.85	\$120	\$300 Analysis re jury instructions and independent creation
5/14/2004 LRS	1.375	\$200	\$222 Review new correspondence re attempted mediation; and prepare responses
5/17/2004 LRS	3	\$200	\$275 Correspondence from Limongelli and Capozzola; prepare responses and work on C&S motion for summary judgment
5/18/2004 LRS	2.75	\$200	\$600 Review correspondence from Hogan, Wes Ching, Victor Limongelli and Capozzola; prepare report regarding discovery issues involving Hogan
* 5/26/2004 LRS	4.5	\$200	\$550 Review new correspondence from C&S and prepare response re plaintiff's allegations; telephone conversations regarding same; work on response to appeal
6/21/2004 LRS	1.25	\$200	\$900
6/21/2004 AEL	1.15	\$120	\$250 Review new correspondence from C&S and prepare response
8/23/2004 LRS	1.375	\$200	\$138 Analysis of Plaintiff's RICO statement
			Review new pleadings re Y. Hata subpoena; correspondence w/ Kirkland & Ellis re same; correspondence with Hogan and \$275 K&E regarding scheduling

9/1/2004 LRS	0.75	\$200	Review correspondence from Hogan; attend meeting with Hogan regarding special master;
10/14/2004 LRS	1	\$200	Telephone calls with other defendants' counsel regarding discovery disputes
10/15/2004 AEL	0.45	\$120	\$200 Review Berry's Subpoena to Costco, Sam's and Safeway. \$54 Research rules regarding plaintiff's subpoenas to Costco, Sam's Club and Safeway; re subpoena authority under FRCP Rule 45, rights of opposing counsel to documents subpoenaed
10/17/2004 AEL	1.415	\$120	\$170 and notice requirements
10/18/2004 LRS	0.875	\$200	Telephone conversation with Hogan; review correspondence regarding Iowa Telecom records and Hogan discovery claims; \$175 telephone conversation with Hosoda regarding same
10/19/2004 LRS	0.875	\$200	Review new correspondence regarding discovery disputes; telephone conversation with Hogan regarding "meet and confer" \$175 confer"
10/25/2004 AEL	2.05	\$120	Research regarding subpoena duces tecum in civil case \$246 served on non-party, rights of parties, procedures for access
10/26/2004 AEL	1.89	\$120	Research regarding procedures for subpoena duces tecum independent of deposition, service requirements; draft memo \$227 on same
10/26/2004 LRS	0.5	\$200	Telephone calls with Hogan regarding discovery of Flemings \$100 personnel records
10/27/2004 AEL	0.3	\$120	Attend Production of Documents in response to subpoena \$36 duces tecum
10/28/2004 LRS	1.25	\$200	Review new motions from Hogan; review new discovery demands from Hogan; telephone conversation with Hogan \$250 regarding same
10/29/2004 AEL	0.365	\$120	\$44 Draft memo re Berry's motion for continuance on MSJ
11/9/2004 AEL	0.45	\$120	Telephone conference with Jodi Kimura, counsel for Guidance \$54 Systems regarding current status of case, pleadings
11/10/2004 AEL	2.05	\$120	Prepare documents for Guidance System counsel, review records re: Fleming, Sinesky, and Berry, draft letter to Judge Kobayashi and all parties re: agreement that Clyde Matsui \$246 serve as Special Master

*	2/16/2005 LRS	2.75	\$200	Review new correspondence from C&S; telephone call with C&S in-house counsel regarding status; review new
	2/20/2005 AEL	0.24	\$120	\$550 correspondence from Matsui \$29 Manage calendar communicate with Samad Prepare letter to Matsui regarding operating system; review new correspondence from Hogan regarding production of 1993 database and prepare response;
	3/1/2005 LRS	1.5	\$200	
	3/2/2005 LRS	2.75	\$200	Telephone conference and correspondence with K&E regarding Hogan proposal for discovery; prepare discussion of expert standard for report; review correspondence from B. Silverman regarding software; review new correspondence from Hogan regarding 1993 FCS and prepare response. (02/28/05) Review new pleadings; Telephone conferences regarding discovery of 1993 FCS; Telephone conferences regarding expert witnesses
	3/6/2005 LRS	2.25	\$200	\$450 regarding expert witnesses
	3/9/2005 LRS	0.5	\$200	Review new correspondence from Hogan and prepare \$100 response.
	3/10/2005 LRS	1.75	\$200	Review new material from Hogan; Telephone conference with \$350 Capozzola; prepare letters in response.
	3/11/2005 LRS	0.75	\$200	Telephone conferences with Hosoda and Capozzola; Prepare \$150 new correspondence regarding installation of operating system. Prepare reports regarding plaintiff attempt to discover C&S profits; work on provisions of protective order.
*	3/15/2005 LRS	4	\$200	\$800
	3/16/2005 AEL	0.09	\$120	\$11 Review correspondence from Hogan Telephone conversations regarding Hogan assertions re Best Yet milk label and prepare report regarding same; review new \$275 correspondence from Hogan
	3/17/2005 LRS	1.375	\$200	Prepare materials for expert witness; work on C&S motion for \$500 summary judgment
	3/18/2005 LRS	2.5	\$200	Prepared documents to be mailed to Kirkland & Ellis; finalized written interrogatories from C&S and from PCT; reviewed most \$156 recent correspondence
	3/18/2005 AEL	1.3	\$120	Research previous correspondence re plaintiffs allegations
	3/19/2005 AEL	0.36	\$120	\$43 and responses

3/20/2005 AEL	0.415	\$120	Research previous correspondence re plaintiffs allegations
3/21/2005 AEL	0.21	\$120	\$50 and responses
3/23/2005 AEL	1.45	\$120	\$25 document management; review email communications
			Document management, finalize joinder; review new
			\$174 correspondence and filings
			Telephone calls regarding Guidance discovery requests;
			review correspondence regarding Y. Hata; research regarding
			plaintiffs experts; obtain and review deposition transcript of
			\$650 Ueno from other cases
3/23/2005 LRS	3.25	\$200	\$200 Conference call regarding expert witness
3/29/2005 LRS	1	\$200	Telephone conversation with potential expert witness regarding
3/29/2005 LRS	1.25	\$200	\$250 expert testimony
3/31/2005 LRS	0.75	\$200	\$150 Conference call regarding expert testimony
			Prepare PCT's Memo in Opp to Berry's Motion for Relief from
			Rule 16 Scheduling Order; prepare C&S Memo in Opp and
4/1/2005 AEL	2.65	\$120	\$318 Joinder to PCT's Memo in Opp; prepare exhibits
4/1/2005 LRS	2	\$200	Review new pleadings and motions; conference call with
			\$400 Capozzola and Hosoda regarding same
4/4/2005 AEL	0.12	\$120	\$14 and responses
4/6/2005 LRS	2.625	\$200	\$525 Review new materials regarding Berry's expert witness
			Draft letters to Hogan and discovery master regarding
			discovery issues and production of database; work on expert
4/7/2005 LRS	3	\$200	\$600 opinion
			prepare documents for hearing on Ponce defendant's Motion
			for Summary Judgment and Berry's Cross Motion FPR
4/11/2005 AEL	0.2	\$120	\$24 Summary Judgment
			Attend conference with Clyde Matsui; telephone calls regarding
			expert witness; correspondence to Hogan re production of
			database; review new orders from discovery master; work on
4/12/2005 LRS	4.25	\$200	\$850 C&S motion for summary judgment
4/13/2005 ACT	0.75	\$150	\$113 Research public records re Berry
			Telephone calls with Hogan and correspondence regarding
4/13/2005 LRS	4.5	\$200	\$900 master's orders
			Manage document; review recent filings; review pleadings
4/13/2005 AEL	3.4	\$120	\$408 related to whether Berry subpoenas to non-parties
4/14/2005 AEL	2.125	\$120	\$255 Review documents subpoenaed by Berry from third parties

4/15/2005 AEL	0.39	\$120	\$47 Review most recent correspondence; document management
			Research re legal standard for expert opinion and documents relevant to that standard. Research files for appropriate documents
4/18/2005 AEL	0.65	\$120	\$78 documents
			Telephone conversation with Julieann Berry; interoffice
4/18/2005 ACT	0.75	\$150	\$113 conference re same
			Research regarding plaintiffs damage claim; correspondence with Hogan; work on motion for summary judgment regarding logistics software; prepare proposed schedule for Matsui; telephone calls regarding scheduling and mainland depositions; correspondence regarding mediation
4/19/2005 LRS	4	\$200	\$800 Review new minutes from Judge Mollway; review Master report and prepare letter to Court; correspondence regarding scheduling of experts and motions; correspondence with Hogan regarding production; work on motions; logistics regarding protective order; review correspondence from Fujichaku
4/20/2005 LRS	4.25	\$200	\$850 Fujichaku
4/20/2005 JSL	0.375	\$35	\$13 Deliver filings
			Correspondence with Hogan regarding mainland depositions; correspondence regarding production of 1993 FCS;
4/25/2005 LRS	3.25	\$200	\$650
4/25/2005 JSL	3.75	\$35	\$131 Document and file management
			Work on discovery and motions schedule; interoffice conference regarding schedule; work on correspondence to
4/25/2005 ACT	1.45	\$150	\$218 Judge regarding motions cutoff; review new correspondence
4/26/2005 JSL	2.25	\$35	\$79 Document and file management
4/27/2005 JSL	3	\$35	\$105 Document and file management
4/28/2005 JSL	2.75	\$35	\$96 Document and file management
			telephone call from court staff regarding conference call;
4/29/2005 LRS	1	\$200	\$200 review new pleadings; work on Johnson depo prep
4/29/2005 JSL	3	\$35	\$105 Document and file management
5/2/2005 JSL	1.25	\$35	\$44 Document and file management
5/2/2005 JSL	2.5	\$35	\$88 Index Special Master documents
5/3/2005 JSL	3.5	\$35	\$123 Prepare index of Special Master correspondence



5/4/2005 JSL	2	\$35	\$70 Prepare Index of Special Master Correspondence
* 5/5/2005 ACT	0.3	\$150	\$45 Review new correspondence from C&S
5/5/2005 JSL	2.25	\$35	\$79 Prepare index of Special Master correspondence
5/6/2005 JSL	3	\$35	\$105 Prepare index of correspondence file
5/9/2005 AEL	0.95	\$120	\$114 Review latest correspondence, review recently filed pleadings
5/9/2005 JSL	2	\$35	\$70 Prepare index of correspondence file
5/9/2005 ACT	0.15	\$150	\$23 Review new correspondence
5/10/2005 JSL	1	\$35	\$35 Document and file management
5/10/2005 JSL	1	\$35	\$35 Prepare index of correspondence file
5/11/2005 JSL	1.5	\$35	\$53 Prepare index of pleadings file
5/12/2005 JSL	1	\$35	\$35 Prepare index of pleadings files
5/14/2005 AEL	1.35	\$120	Research re expert opinion; confer with M. Walker; respond to
5/23/2005 AEL	0.5	\$120	\$162 e-mails from K&E attorneys
5/24/2005 LRS	1	\$200	\$60 Finalize interrogatories; review Order from Special Master;
6/4/2005 LRS	1.375	\$200	Telephone calls with Dechter and Capozzola regarding expert
6/5/2005 LRS	0.5	\$200	\$200 opinions
6/6/2005 LRS	2.75	\$200	\$275 Telephone calls regarding Dechter report
6/7/2005 LRS	3.375	\$200	\$100 Telephone calls regarding Dechter report
6/8/2005 MAK	1.75	\$100	Review expert damages report; and work on daages issues;
6/9/2005 MAK	1	\$100	\$550 review new correspondence from court
			Review expert materials; review new correspondence; review
			\$675 pleadings regarding Guidance and Alix
			\$175 Research cases in which an Ueno testified
			\$100 Research cases in which an Ueno testified
			Work on prep for Ueno deposition; correspondence regarding
			HEX settlement; review new correspondence regarding
			discovery master; review correspondence regarding expert
6/22/2005 LRS	2.25	\$200	\$450 witnesses
6/23/2005 LRS	3.125	\$200	Review new correspondence regarding Guidance discovery;
			\$625 HEX settlement; J. Kinrich report
			Review motion regarding HEX settlement and prepare
			comments; correspondence and prepare regarding Ueno
6/24/2005 LRS	2	\$200	\$400 deposition
* 7/1/2005 AEL	0.17	\$120	\$20 Review correspondence to Hogan re costs
			Prepare letter to Hogan regarding deletion of 23,000 files;
* 7/6/2005 LRS	1.5		\$0 review new correspondence from Hogan;

* 7/28/2005 LRS	4.5	\$200	\$900 research regarding plaintiff motion for reconsideration
* 11/7/2005 ACT	0.5	\$150	\$75 Work on attorneys' fee issue
* 12/9/2005 LRS	5	\$200	work on recommendations regarding Hogan's threatened suit against C&S
* 1/9/2006 LRS	8.25	\$200	Review new correspondence from Wayne Berry to C&S; telephone call with B. Silverman; prepare letter to Hogan
8/21/2003 LRS	1	\$200	\$1,650 regarding same; work on oppositions to motions in limine
Total			\$200 Conference call regarding response to Berry lawsuit
			\$39,880

## 2. Pleadings

8/25/2003 LRS	1	\$200	Prepare new correspondence and conference call regarding Berry; telephone call with Ichida; review new correspondence from Hogan and telephone calls regarding same
8/26/2003 LRS	1	\$200	Review new correspondence; telephone call with E. Reber-Porter regarding Hawaiian Express litigation; telephone call with A. Beaman regarding Foodland response to litigation with Berry; telephone calls regarding same
8/27/2003 LRS	1.75	\$200	\$200 Berry; telephone calls regarding same
8/29/2003 LRS	0.875	\$200	\$350 Work on responsive pleading to Berry Hawaii lawsuit
* 9/9/2003 ACT	0.5	\$150	\$175 Work on responsive pleading
			\$75 Edit C&S motion to dismiss
			Draft, edit, finalize, and file motion to transfer, stay, or dismiss Berry's amended complaint filed August 13, 2003 (C & S companies brief)
* 9/9/2003 AEL	4.5	\$120	\$540 Berry's amended complaint
12/3/2003 AEL	2.55	\$120	\$306 Draft Answer to Berry's Amended Complaint
12/4/2003 AEL	3.75	\$120	\$450 Draft Answer to Amended Complaint
			Research re: whether Noerr-Pennington doctrine is applicable to Sherman Act claims; research re: whether "failing company"
12/5/2003 AEL	2.55	\$120	\$306 defense is applicable
12/7/2003 AEL	2.45	\$120	\$294 Finalize Answer to Amended Complaint
1/15/2004 LRS	1	\$200	\$200 Finalize answer to complaint
			Review Plaintiff's Motion for Leave to File Second Amended Complaint and Motion for Relief from Rule 16 Conference; research re: new defendants added in amended complaint;
1/23/2004 AEL	1.6	\$120	\$192 draft research memo re same

2/23/2004 AEL	0.7	\$120	\$84 Review and analysis of Plaintiffs Second Amended Complaint Draft Fleming et al's Answer to Plaintiffs Second Amended Complaint; Review and analyze Plaintiffs Opposition to to Cohen/ES3 Motion to dismiss; Begin Drafting Reply
2/25/2004 AEL	4.95	\$120	\$594 Memorandum to Plaintiffs Opposition Research "improper purpose" and "frivolous" for support for Objections to Berry's Proposed Second Amended Complaint; begin drafting same.
2/29/2004 AEL	2.95	\$120	\$354 Draft response to Plaintiffs Proposed Amended Second Complaint
3/1/2004 AEL	3.8	\$120	\$456 Complaint Work on response to amended complaint; telephone call with C&S in-house counsel; prepare materials for C&S; work on
3/2/2004 LRS	1.625	\$200	\$325 proposed settlement term sheet
5/7/2004 AEL	3.9	\$120	\$468 Research re claims against additional defendants
5/7/2004 LRS	2.25	\$200	\$450 Review new amended complaint and work on response
5/13/2004 AEL	3.8	\$120	\$456 Analysis re Second Amended Complaint
5/14/2004 AEL	4.05	\$120	\$486 Work on response to Second Amended Complaint
2/23/2005 AEL	0.375	\$120	\$45 Review latest pleadings
Total			\$7,006

### 3. Interrogatories

10/6/2003 LRS	1.5	\$200	Review new correspondence from Hogan; work on discovery responses
10/22/2003 LRS	0.875	\$200	\$175 Work on discovery responses Review plaintiff's second request for prod of docs for C&S (all three entities) and Fleming
10/28/2003 AEL	0.2	\$120	\$24 Draft Fleming and C&S responses to Berry's Second request
10/29/2003 AEL	1	\$120	\$120 for POD
10/29/2003 LRS	1	\$200	\$200 Work on discovery responses Final edit on Fleming and C&S's Responses to Plaintiffs
10/30/2003 AEL	0.5	\$120	\$60 Second Request for Production of Documents
11/5/2003 LRS	0.5	\$200	\$100 Work on discovery responses
12/4/2003 LRS	1	\$200	\$200 Prepare discovery responses
1/29/2004 LRS	2.25	\$200	\$450 Work on responses to discovery re Guidance
11/4/2004 LRS	0.5	\$200	\$100 Review documents for production

11/17/2004 LRS	0.5	\$200	\$100	Telephone conference w/ Julia Morgan regarding production of business information to Berry
				Review Judge Mollway's Order re timeline for briefs to be filed; review and begin work on document request. Review documents that we have already provided; draft memo to Kirkland regarding their request.
12/16/2004 AEL	2.05	\$120	\$246	Kirkland regarding their request.
1/14/2005 AEL	0.45	\$120	\$54	Review Hogan's memorandum regarding 1-7-05 discovery conference; document management
1/19/2005 LRS	0.75	\$200	\$150	Review draft protective order and prepare comments
				Prepare letter to Matsui regarding inspection of computers and procedures regarding destruction of evidence
* 1/24/2005 LRS	2.5	\$200	\$500	Work on letter to Matsui regarding preservation of evidence
1/31/2005 LRS	2	\$200	\$400	Review correspondence from Hogan; telephone call with Hogan regarding Y. Hata discovery disputes
2/3/2005 LRS	0.5	\$200	\$100	Review and edit subpoena for Y. Hata
2/3/2005 AEL	0.45	\$120	\$54	Provide documents to Bronster Crabtree
2/9/2005 AEL	0.01	\$120	\$1	confer with O. Samad and A. Andrews of K&E regarding scheduling of Berry's motion to quash and PCT's reply on protective order
2/22/2005 AEL	0.4	\$120	\$48	Attend hearing before master via conference call; work on responses to requests from Master.
3/8/2005 LRS	0.75	\$200	\$150	Prepare letters responding to Special Master's list of questions regarding detailed information of the operation of Berry's software
3/9/2005 AEL	1.125	\$120	\$135	Work on Special Master's Order that we produce transcripts of proceedings where the Berry software was addressed; draft inventory of same
3/10/2005 AEL	4.4	\$120	\$528	Work on production of materials requested by Master; prepare correspondence re same
3/11/2005 AEL	2.7	\$120	\$324	Work on objections regarding protective order and prepare comments; work on objection regarding profit discovery; review new correspondence from Hogan regarding milk packaging and work on inquiry regarding same; prepare report regarding copyright registration
3/16/2005 LRS	3.375	\$200	\$675	Finalize two sets of interrogatories to go out from PCT and
3/17/2005 AEL	0.735	\$120	\$88	C&S.

3/21/2005 LRS	2.75	\$200	Work on letter to Matsui regarding discovery of "profits"; review plaintiff's expert reports and work on materials for defendant's \$550 expert
3/22/2005 LRS	1.625	\$200	work on motions for summary judgment; work on legal \$325 authorities regarding plaintiff's allegation of derivative work review Berry's expert's opinion; research related to expert \$234 opinion
3/22/2005 AEL	1.95	\$120	Finalize letter to Special master regarding need for Order \$96 related to Berry's production of FCS
4/7/2005 AEL	0.8	\$120	prepare original signature filing; conference with Olivia Samad regarding calendar updates, calendar new information; review \$156 Hogan's latest correspondence
4/8/2005 AEL	1.3	\$120	Review new correspondence from Hogan; draft e-mail to Hogan; work on letter to discovery master; work on expert \$550 discovery.
4/8/2005 LRS	2.75	\$200	Review new correspondence regarding deposition scheduling \$75 and prepare response
10/10/2003 LRS	0.375	\$200	\$100 Reveiw new correspondence regarding Dillon deposition
11/3/2003 LRS	0.5	\$200	\$7,368
Total			

#### 4. Depositions

11/26/2003 LRS	0.5	\$200	Conference call regarding strategy: work on discovery \$100 responses regarding C&S 30(b)(6) deposition
12/11/2003 LRS	1	\$200	\$200 Attend depo prep with Dillon
12/16/2003 LRS	0.75	\$200	\$150 Attend depo of Mark Dillon
12/16/2003 JWS	2.25	\$120	\$270 Attend Dillon deposition
12/17/2003 JWS	0.4	\$120	\$48 Prepare deposition summary
12/23/2003 LRS	4.5	\$200	\$900 Prepare and attend continued deposition of Mark Dillon
11/16/2004 LRS	1	\$200	Correspondence regarding scheduling of depositions; review \$200 new discovery materials
11/18/2004 LRS	0.5	\$200	Telephone calls with Hogan regarding discovery master; \$100 correspondence regarding discovery issues
12/1/2004 LRS	0.75	\$200	Correspondence with Hogan and defense counsel regarding \$150 scheduling of discovery
12/3/2004 LRS	1	\$200	\$200 Attend meeting with witnesses
12/6/2004 LRS	3.5	\$200	\$700 Attend depositions of Christensen et al.

12/6/2004 AEL	1.125	\$120	Attending depositions of Alfreda Waiolama and Jacqueline Rio
			\$135 Rio
12/9/2004 AEL	0.22	\$120	Confer with Margery Bronster's office regarding relevant documents; provide documents
2/24/2005 AEL	1.65	\$120	Prepare documents re Y. Hata's deposition and Berry's motion to quash
4/21/2005 AEL	1.2	\$120	Scheduling of depositions of Kleban, Griffin and Berry's Girlfriend;
5/2/2005 LRS	2.625	\$200	\$144 Girlfriend; \$525 work on motions and depo prep re Johnson and Berry
5/3/2005 LRS	3.5	\$200	Work on analysis of plaintiffs expert opinion and work on Johnson and Berry depo prep \$700 Johnson and Berry depo prep
5/5/2005 AEL	2.55	\$120	Prepare notice of depositions, certificates of service, and subpoenas and deposition for Ueno and Johnson; confer with D. Capozzola regarding service of subpoenas; confer iwth Sheriff Young regarding service of subpoena; draft affidavit for \$306 Sheriff;
5/6/2005 AEL	1.1	\$120	Prepare documents for Noticing Berry's Expert witnesses, \$132 confer with K&E; supervise service
5/10/2005 LRS	2.125	\$200	Deposition prep; work on legal research regarding plaintiffs \$425 theories
5/13/2005 AEL	3.1	\$120	Review and index documents produced by Professor Johnson; review past pleadings and exhibits necessary to opening brief; \$372 review recent correspondence and orders
5/15/2005 AEL	0.8	\$120	\$96 Preparation for Johnson and Berry depositions
5/16/2005 LRS	3	\$200	Review new correspondence; review workup regarding expert report in reference to depo prep.; conference call regarding \$600 same;
5/16/2005 JSL	2	\$35	\$70 Prepare for deposition
5/16/2005 AEL	3.55	\$120	Deposition preparation for Y. Hata; confer with M. Walker and \$426 D. Capozzola
5/17/2005 LRS	4.5	\$200	Attend deposition of Y. Hata; work on prep for Berry and \$900 Johnson depos;
5/17/2005 AEL	5.05	\$120	\$606 Deposition preparation for Y. Hata and Wayne Berry
5/18/2005 LRS	4.25	\$200	\$850 Attend deposition of Wayne Berry; work on prep. for Johnson
5/19/2005 LRS	4.375	\$200	\$875 Attend deposition of Wayne Berry and Philip Johnson
5/19/2005 JSL	0.5	\$35	\$18 Scan exhibits into computer system for deoposition prep.

5/19/2005 AEL	4.675	\$120	\$561 Deposition preparation; attend deposition of Wayne Berry
			Organize documents following depositions; review latest
5/20/2005 AEL	0.65	\$120	\$78 correspondence
			05/18/05: Deposition preparation for deposition of Wayne
6/4/2005 AEL	5.55	\$120	Berry; deposition preparation for te deposition of Phillip
			\$666 Johnson attend portion of the deposition of Wayne Berry
6/21/2005 LRS	3.375	\$200	Review new correspondence regarding expert depositions;
			\$675 correspondence regarding HEX settlement
Total			\$12,402

**E. Motions Practice**

8/1/2003 LRS	1.25	\$200	Review and comment on draft memo and declarations
9/2/2003 LRS	1.125	\$200	regarding declaratory motion against Berry; review new
9/3/2003 LRS	0.625	\$200	\$250 correspondence from Hogan
* 9/12/2003 AEL	1.2	\$120	\$225 Work on motion to dismiss
* 9/15/2003 AEL	7.7	\$120	\$125 Work on motion to dismiss
* 9/16/2003 AEL	7.1	\$120	\$144 Research regarding motion to set aside default judgment
* 9/17/2003 AEL	0.7	\$120	\$924 Research and draft motion to set aside entry of default
* 9/18/2003 AEL	4.9	\$120	\$852 Draft motion to set aside entry of default
			\$84 Review and edit motion to set aside default
9/23/2003 LRS	0.6	\$200	\$588 Finalize motion to set aside entry of default
* 10/8/2003 AEL	0.4	\$120	Review correspondence regarding response to Complaint and
10/20/2003 AEL	1.4	\$120	\$120 prepare comments
11/4/2003 AEL	0.8	\$120	Review Hogan's Memo in Opposition to C&S's Motion to Set
11/12/2003 AEL	0	\$0	\$48 Aside Default
11/13/2003 AEL	1	\$120	Attend scheduling conference; research motion to appoint
11/13/2003 LRS	2.5	\$200	\$168 discovery master, and begin drafting motion on same
12/1/2003 AEL	0.55	\$120	\$96 Research and draft motion for appointment of discovery master
			work on declaration in support of motion for appointment of
			\$0 discovery master for berry v. HEX
			Draft discovery master motion; finalize answers to second
			\$120 request for POD
			Work on discovery issues and discovery motion regarding
			\$500 Fleming
			\$66 Review affidavit of Dillon



12/1/2003 LRS	1.5	\$200	\$300 Work on motion for appointment of master
12/2/2003 LRS	0.75	\$200	\$150 Work on mtn for appointment of discovery master
12/2/2003 AEL	1.5	\$120	\$180 Finalize and file Motion for Appointment of a Discovery Master
12/2/2003 JGK	0.75	\$80	\$60 Assist in preparing exhibits for Motion for Discovery Master.
12/8/2003 LRS	0.5	\$200	\$100 Correspondence re withdrawal of first to file motion
* 12/15/2003 LRS	7	\$200	\$1,400 Work on mtn to dismiss Cohen and ES3
			Review Berry's addition of R. Cohen and ES3 as defendants;
* 12/15/2003 AEL	0.4	\$120	\$48 review motion to strike
			Prepare and attend hearing on motion for appointment of
12/30/2003 LRS	1	\$200	\$200 discovery master
1/20/2004 ACT	1.5	\$150	\$225 Work on answer; work on motion to set aside default
1/25/2004 AEL	1.15	\$120	Re Motion for Leave to File Amended Complaint; Review Local
			Rule 9.1 re: RICO Statement requirements
			Work on response to motion for leave to amend complaint for
1/26/2004 AEL	2.35	\$120	\$282 relief from scheduling order
			Work on analysis of plaintiff's motion for leave to file amended
1/28/2004 AEL	2.45	\$120	\$294 complaint and relief from Rule 16 Order
			draft memorandum in opposition to plaintiff's motion for leave
			to file second amended complaint; conference with HEX
			counsel regarding Berry's allegations of "new" evidence and his
1/29/2004 AEL	4.7	\$120	\$564 state need to file copyright registration
			Prepare memorandum in opposition to motion for leave to
1/30/2004 LRS	1.25	\$200	\$250 amend complaint
			Finalize Memorandum in Opposition to Motion for Leave to File
			Second Amended Complaint, prepare exhibits, prepare for
1/30/2004 AEL	5.6	\$120	\$672 filing
			Review Plaintiff's Memo in Opposition to Fleming, et al's Motion
2/2/2004 AEL	0.7	\$120	\$84 to Set Aside Entry of Default.
			Begin drafting Reply Brief re: Fleming et al, Motion to Set Aside
2/4/2004 AEL	0.4	\$120	\$48 Entry of Default
			Draft Reply Memorandum re: Fleming et al's Motion to Set
2/5/2004 AEL	3.9	\$120	\$468 Aside Entry of Default
			Research and begin drafting Reply Memorandum to Berry's
* 2/26/2004 AEL	1.1	\$120	\$132 Opposition to Dismiss Cohen and ES3



* 2/27/2004 AEL	6.1	\$120	\$732 and ES3	Draft Reply to Berry's Opposition to Motion to Dismiss Cohen
				Review new correspondence regarding Christensen
5/4/2004 LRS	2.25	\$200	\$450 proposal	declaration; work on correspondence regarding settlement
* 5/16/2004 AEL	3.4	\$120	\$408 Complaint	Work on Cohen/ES3 Motion to Strike/Dismiss Second Ameded
* 5/17/2004 AEL	9.8	\$120	\$1,176 Ameded Complaint	Work on Cohen/ES3 Motion to Strike/Dismiss or SJ re Second
* 5/18/2004 AEL	9.9	\$120	\$1,188 Ameded Complaint	Work on Cohen/ES3 Motion to Strike/Dismiss or SJ Second
* 5/19/2004 AEL	2.4	\$120	\$288 Ameded Complaint	Work on Cohen/ES3 Motion to Strike/Dismiss or SJ Second
* 5/20/2004 AEL	1.95	\$120	\$234 Prepare legal analysis re motions for s/j	Review motion for preliminary injunction and work on
5/20/2004 LRS	2.75	\$200	\$550 responsive comments	Research re: standard of review for appeal of magistrates
5/21/2004 AEL	0.65	\$120	\$78 Appeal of Rule 16 Order	decision on non-dispositive issue, research re: opposition to
5/24/2004 AEL	1.2	\$120	\$144 Work Cohen and ES3 & FRCP Mtn to dismiss or for s/j	Review new correspondence from Hogan and prepare memo
5/24/2004 LRS	1	\$200	\$200 regarding response	Research statutory law and case law re: appeal of rule 16
5/25/2004 AEL	2.7	\$120	\$324 opposition to rule 16 appeal	scheduling orders, research "good cause" standard, review
5/26/2004 AEL	4.8	\$120	\$576 order appeal	Berry requests for production of documents for use in
5/27/2004 AEL	2.85	\$120	\$342 Appeal, research	Draft and edit memorandum in opposition to rule 16 scheduling
5/27/2004 LRS	1	\$200	\$200 Work on position statement regarding appeal	Drafting and editing Memorandum in Opposition to Rule 16
5/28/2004 AEL	3.05	\$120	\$366 documents	Finalize Memo in Opp Re appeal, prepare Memo for filing,
				prepare exhibits for filing, complete declaration, confirm
				Fleming/C&S responses to Berry requests for production of

6/1/2004 LRS	1.75	\$200	\$350	Review new correspondence regarding preliminary injunction copyright law issues and prepare response; review new research regarding supplemental statement of fact, draft supplemental statement; Draft supplemental statement of fact for Opposition to Berry's Appeal of Rule 16 Order; prepare documents for Capozzola, finalize supplemental statement of fact to Opposition to Berry's Appeal of Rule 16 Order; prepare 126 documents for Capolizzola
6/2/2004 AEL	1.05	\$120	\$126	
6/2/2004 LRS	1.625	\$200	\$325	Work on copyright law issues and review law regarding copyright misuse; conference call regarding copyright issues
6/3/2004 AEL	3.35	\$120	\$402	Work on supplement statement of fact to Opposition to Berry's Appeal of Rule 16 Order, Prepare documents for Capozzola
6/3/2004 LRS	1.75	\$200	\$350	Work on copyright issues in response to preliminary injunction motion; telephone conversation with Hosoda; telephone call with Capozzola; prepare supplemental memorandum regarding Rule 16 order
6/4/2004 AEL	0.2	\$120	\$24	Finalize Berry's Supplemental Statement of Fact to Rule 16 appeal
6/4/2004 LRS	1	\$200	\$200	Telephone conversations with Hogan regarding scheduling of Berry's deposition
6/7/2004 AEL	1.15	\$120	\$138	Attend status conference for Berry v. Fleming; Review Judge Mollway's ruling on Berry's Appeal, review request for production of documents from HTS to Berry;
6/8/2004 LRS	0.75	\$200	\$150	Research and conference call regarding plaintiff's copyright allegations and applicable law re injunction
6/9/2004 LRS	1.25	\$200	\$250	Work on opposition to preliminary injunction
6/14/2004 LRS	1	\$200	\$200	Review new correspondence; telephone conversations with Capozzola and Silverman
6/16/2004 LRS	1.25	\$200	\$250	Review new correspondence from C&S and comment on same; telephone conversations with Hogan regarding deposition of Berry; review documents regarding NTI

6/17/2004 LRS	2.25	\$200	Review new correspondence re mtn for preliminary injunction; prepare regarding preliminary injunction; telephone conversation with Hogan; correspondence with Hogan; meeting with Hogan
6/18/2004 AEL	0.11	\$120	Provide information for Capozzola re: consultants traveling to Hawaii
6/18/2004 LRS	2	\$200	Work on legal issues re copyright claims against C&S; mtn for \$400 injunction; and mtn for sj; conference with co-counsel
6/22/2004 LRS	2	\$200	Work on Cohen and ES3 motion; review new correspondence regarding Sean Barry
* 6/23/2004 AEL	1.9	\$120	\$228 Edit and re-draft Motion re Cohen and ES3
* 6/23/2004 AEL	2.2	\$120	\$264 Edit and re-draft Motion re Cohen and ES3
* 6/25/2004 AEL	6.9	\$120	Work on Motion re Richard Cohen and ES3; prepare \$828 correspondence to C&S re same
* 7/1/2004 LRS	1.5	\$200	\$300 Work on memo in opp to preliminary injunction
7/1/2004 AEL	0.3	\$120	Work on responses to Plaintiff's pleadings; t/c's w/ other \$36 defendants' counsel
* 7/2/2004 LRS	4.5	\$200	\$900 Telephone calls with C&S; work on report re status. Work on memo regarding preliminary injunction; prepare information re infringement claim; review correspondence from \$450 C&S and prepare response
7/7/2004 LRS	2.25	\$200	Work on motion regarding hiring of expert; work on opp to preliminary injunction; prepare memo regarding discovery \$800 issues
7/9/2004 LRS	4	\$200	
7/12/2004 LRS	3.25	\$200	Work on legal discussion re preliminary injunction copyright \$650 research; prepare answer to second amended complaint
7/16/2004 LRS	3	\$200	Work on opp to preliminary injunction; finalize and file answer; \$600 work on comments to settlement proposal
7/19/2004 LRS	1.375	\$200	Work on opposition to preliminary injunction and related \$275 discovery matters
7/27/2004 LRS	1.375	\$200	\$275 Conference call re mtns for prelim. Inj.; work on briefing
7/29/2004 LRS	2.75	\$200	Work on opposition to preliminary injunction and motion \$550 regarding expert
7/30/2004 LRS	1	\$200	\$200 Work on motion regarding appointment of expert
8/6/2004 AEL	1.15	\$120	\$138 Work on preliminary injunction opp.

* 8/11/2004 AEL	2	\$120	\$240 Work on C&S opp to injunction
			Confer with R. Olivia Samad of Kirkland & Ellis regarding memorandum in opposition and application of relevant local rules.
8/11/2004 AEL	0.35	\$120	\$42
8/24/2004 LRS	1	\$200	Telephone calls with Judge Mollway's clerk and prepare additional information re errata
8/24/2004 AEL	0.725	\$120	Draft errata to Memo In Opp attaching proper exhibit, prepare \$87 for filing, and file
8/25/2004 LRS	0.75	\$200	correspondence w/ Liebler re testimony of live witnesses at \$150 preliminary inj. Hearing
8/26/2004 LRS	1	\$200	Review new pleadings regarding motion for preliminary injunction
* 8/27/2004 LRS	3	\$200	Telephone call from Hogan; work on motions for sj re C&S, \$600 Cohen and ES3
8/27/2004 LRS	1.25	\$200	Telephone calls with court, Hogan, Hosoda and \$250 correspondence with Liebler regarding procedures
8/27/2004 AEL	2.225	\$120	Review J. Mollway's inclinations; review documents for copies of Crystal Reports as related to J. Mollway's inclinations; review documents to find pleadings containing Fleming's argument, in the pre-petition case, that Berry failed to comply with statutory deposit requirements
8/29/2004 AEL	1.96	\$120	\$267 Preparation for hearing on motion for preliminary injunction
8/31/2004 LRS	1	\$200	\$235 Prepare new mtn for appointment of master; telephone calls with Hosoda regarding cross exam of Berry
			\$200 Telephone call with O. Samad regarding Rule 16 Order setting the discovery parameters, transcripts from the preliminary injunction hearing on Monday, and Trial setting conference in Berry v. Fleming;
9/1/2004 AEL	0.58	\$120	\$70 Review draft Dillon Declaration and prepare comments; review \$350 new correspondence from Hogan
9/3/2004 LRS	1.75	\$200	\$200 Review and finalize motion for special master
9/7/2004 LRS	1	\$200	\$528 Prepare Motion for Special Master
9/7/2004 AEL	4.4	\$120	Draft, file, and prepare ex parte motion, declaration, and order to shorten time on hearing for motion for appointment of special master
9/10/2004 AEL	1.75	\$120	\$210 Conference call and work on proposed revisions to documents
9/13/2004 LRS	1.5	\$200	\$300 relating to preliminary injunction motion

9/15/2004 LRS	1	\$200	\$200 Review new submission by Hosoda
			Review Berry Notice of Reliance on Uncited Authority; t/c with Olivia Samad of Kirkland regarding Exemplified Foreign Judgment filed in Circuit Court by Wayne Berry's father; review
9/24/2004 AEL	0.925	\$120	\$111 HRS 636C Uniform Foreign Judgment Act
10/5/2004 LRS	1	\$200	Review correspondence regarding motion for relief from Scheduling Order
			Review HEX and Foodland's memorandum filed in response to Berry's Motion for Relief from Scheduling Order; research computation of time for filing on non-hearing motion on a
10/11/2004 AEL	0.285	\$120	\$34 holiday
10/12/2004 AEL	0.14	\$120	Review Judge Mollway's Order Denying Berry's Motion for Preliminary Injunction;
10/26/2004 AEL	0.19	\$120	\$23 Research regarding subpoena procedure
			Telephone conversations with Hosoda, Dulac and Hogan regarding discovery master order; correspondence with
10/27/2004 LRS	1.25	\$200	\$250 Hosoda regarding same
11/1/2004 LRS	0.5	\$200	Correspondence regarding appointment of special master; telephone call with Hogan regarding same
11/3/2004 AEL	1.1	\$120	Attend hearing on Foodland's Motion for Limited Protective Order; draft brief memo on same
			Work on motion for summary judgment regarding Cohen and ES3; review new correspondence from Hogan and prepare
11/5/2004 LRS	2	\$200	\$400 response
11/5/2004 LRS	0.5	\$200	Review memorandum in opposition to reconsideration and provide comments
11/12/2004 AEL	0.415	\$120	\$50 Review latest pleadings and SOM order granting Berry's motion for recon on motions for summary judgment
11/19/2004 AEL	1.34	\$120	Draft and prepare Ex Parte Motion to Extend Time to File Simple Joinder, draft and prepare Simple Joinder
			Review Judge Mollway's Order Denying Berry's Motion for Reconsideration, review status of Cohen and ES3 at request of
11/23/2004 AEL	1.075	\$120	\$129 C&S
12/16/2004 LRS	0.75	\$200	\$150 Review new draft pleadings
			Work on legal analysis motion for summary judgment for ES3; communications with Foodland counsel regarding Alvin
12/17/2004 LRS	1	\$200	\$200 Tamanaha testimony

12/20/2004 AEL	3.3	\$120	draft and prepare for filing C&S/Cohen/ES3 Statements of No Position to Dillon's MSJ, HTC's MSJ, and Foodland's Motion to Dismiss; draft and prepare for filing Fleming's Statement of No Position to HTC's MSJ and Foodland's Motion to Dismiss; and \$396 simple joinder to section V of Dillon's MSJ; file same
12/21/2004 AEL	1.65	\$120	Review Berry's Oppositions to Dillon's MSJ, HTC's MSJ, and Foodland's Motion to Dismiss/MSJ; Review Berry's Response \$198 to Concise statement of Dillon, HTC, and Foodland
12/22/2004 AEL	0.8	\$120	Manage documents to be scanned; draft instructions to printer regarding documents to be scanned; confer with O. Samad \$96 regarding format of documents and indexing of documents Telephone call with Beaman regarding discovery corrections; correspondence with Dulac regarding same and additional discovery to Berry
12/22/2004 LRS	1.75	\$200	\$350 Work on copyright legal analysis for motion for summary judgment regarding spreadsheets; legal analysis re ES3
* 12/23/2004 LRS	2	\$200	\$400 Research re legal standard in 2003 copyright case
12/29/2004 LRS	1	\$200	\$200 Prepare correspondence to Clyde Matsui
1/3/2005 LRS	0.75	\$200	Telephone call from Beaman regarding Foodland request; \$100 telephone conversations regarding same
1/4/2005 LRS	0.5	\$200	Review new pleadings regarding motions for summary judgment; prepare for meeting with discovery master
1/5/2005 LRS	0.875	\$200	\$175 Review new pleadings and attend conference with discovery master
1/6/2005 LRS	1	\$200	\$200 master
1/7/2005 LRS	1.25	\$200	\$250 Work on responsive documents requested by discovery master
1/11/2005 LRS	1.25	\$200	Work on documents for discovery master; review new pleadings \$250
1/17/2005 AEL	0.84	\$120	Prepare documents for Hearings on Hawaii Transfer Services' \$101 MSJ, Dillon's MSJ, and Foodland's Motion to Dismiss
1/18/2005 AEL	1.6	\$120	\$192 Prepare documents for Hearing; attend hearing
1/18/2005 LRS	1.75	\$200	Attend hearing on motions for summary judgment; attend \$350 meeting with Hosoda and C&S personnel

*	1/28/2005 LRS	2	\$200	\$400	Review order regarding motion for summary judgment and prepare report to C&S; work on motion for summary judgment regarding C&S and ESS3; telephone conversations regarding mediation proposal
	1/28/2005 AEL	0.81	\$120	\$97	Review Judge Mollway's Order Granting Motions to Dismiss; document management
	2/1/2005 LRS	1.375	\$200	\$275	Prepare comments regarding Judge Mollway's order and the meaning of "illegal derivative"
	2/9/2005 LRS	1.375	\$200	\$275	Telephone calls from Colombe and Beaman regarding court ruling and Foodland right to seek fees and costs; review correspondence Y. Hata issues in light of s/j ruling
	2/24/2005 LRS	1	\$200	\$200	work on motions for summary judgment in light of court ruling
	2/25/2005 LRS	1.75	\$200	\$350	Review new information regarding imaging; work on motions for summary judgment
	2/25/2005 AEL	0.185	\$120	\$22	Work on reply to PCT's motion for protective order; draft documents for filing
	2/28/2005 AEL	1.9	\$120	\$228	Research regarding expert opinions obtained and discovery produced by Hogan in Pre-Bankruptcy litigation; prepare Reply Letter in Support of Protective Order and Opposition to Berry's Motion to Quash for service
	3/3/2005 LRS	2.25	\$200	\$450	New correspondence with Hogan regarding database production and prepare response; Telephone conference from Hogan regarding same; prep for hearing before Matsui; review correspondence from Bronster regarding Guidance claims and defenses and work on response; review new correspondence from Hogan.
	3/7/2005 AEL	1.3	\$120	\$156	Prepare letters responding to T. Hogan's March 4 letters; coordinate teleconference
	3/8/2005 AEL	1.6	\$120	\$192	Attend hearing before Special Master on PCT's motion for protective order; review calendars for both cases' deadlines; conf with Special Master's office regarding expert's needs for review of computers
*	3/24/2005 LRS	8	\$200	\$1,600	Review plaintiff's motion for summary judgment and work on C&S motion for summary judgment
	3/28/2005 LRS	3	\$200	\$600	Review new correspondence and work on motions; conference call regarding expert witness



4/5/2005 LRS	3.5	\$200	\$700	Prepare opposition to Hogan's Motion for Relief from Scheduled Order; telephone calls regarding discovery extension from Guidance; review Berry memorandum regarding judgment; telephone calls with Capozzola regarding expert report and discovery master ruling; prep for Ueno deposition
4/11/2005 LRS	3.875	\$200	\$775	Prepare and attend hearing on employees' motion for summary judgment; work on motion for summary judgment; prepare letters to Matsui and Hogan regarding discovery conference; work on C&S expert opinion
4/14/2005 LRS	2.875	\$200	\$575	Conference call regarding expert testimony; draft motion to postpone expert deadlines and motions cutoff
4/14/2005 ACT	1.75	\$150	\$263	Work on motion for relief from scheduling order; work on ex parte motion to shorten time for hearing on motion for relief from scheduling order
4/15/2005 LRS	2.25	\$200	\$450	Attend hearing before Judge Kobayashi; telephone call with Bradley Dechter regarding expert testimony on profits; prepare correspondence re scheduling
4/18/2005 LRS	3.125	\$200	\$625	Work on motions regarding discovery and for summary judgment regarding expert opinion; telephone calls and correspondence regarding documents subpoenaed by Berry from Costco and other irrelevant third parties; proposed mediation and depositions of Griffin and Kleban; conference call with Marty Walker regarding expert opinion
4/20/2005 AEL	0.3	\$120	\$36	Work on Opposition to Berry's Motion for Summary Judgment; review and correspondence
4/21/2005 LRS	4.5	\$200	\$900	Review Berry's motion for summary judgment; review Guidance motion for summary; work on oppositions; telephone calls with C&S counsel; correspondence regarding scheduling
4/22/2005 LRS	4.5	\$200	\$900	Attend conference with Discovery Master; work on motions and memos in opposition
4/22/2005 AEL	0.83	\$120	\$100	Work on opp to Berry's msj
4/25/2005 AEL	0.55	\$120	\$66	Work on Rule 56(f) motion; review correspondence
4/26/2005 LRS	4.125	\$200	\$825	Review Berry's alleged "trade secrets"; work on motion regarding Hawaii trade secret statute



4/27/2005 AEL	3	\$120	Preparation and filing of PCT's Rule 56(f) motion and Ex Parte Motion
4/27/2005 LRS	1.875	\$200	Review new communications from court; work on motions regarding summary judgment
4/28/2005 LRS	2.25	\$200	\$450 Work on responses to Hogan's filings and on Rule 56(f) motion research regarding protective order in berry v. fleming, the documents covered by the order, draft and file C&S Joinder in
4/28/2005 AEL	4.2	\$120	\$504 Fleming's 56(f) Motion
5/4/2005 LRS	3.25	\$200	Conference call regarding plaintiffs expert report; work on summary judgment
			Finalize and prepare opposition to Berry's Statement of Appeal from Protective Order for filing; research and obtain documents from Berry v. Fleming for Appellate Briefing; draft and prepare for filing C&S joinder to PCT's Opposition to Berry's Statement of Appeal
5/4/2005 AEL	4.3	\$120	\$516 of Appeal
* 5/20/2005 LRS	4	\$200	\$800 Work on C&S, ES3 Cohen summary judgment motion
			Work on analysis of Plaintiffs Exhibits and opposition to
5/23/2005 LRS	4.5	\$200	\$900 plaintiffs motion for summary judgment
5/25/2005 LRS	4.75	\$200	\$950 Work on Exhibit 34 and other evidence re msj
5/30/2005 LRS	4.5	\$200	\$900 Work on exhibits and s/j motions
5/31/2005 LRS	2	\$200	\$400 Work on exhibits and s/j motions
			Work on Opp to Berry's Motion for Summary Judgment; confer with Rex Fujichaku regarding exhibits in Berry's Concise Statement in Support of MSJ
5/31/2005 AEL	1.53	\$120	\$184 Statement in Support of MSJ
			Prepare Concise Statement of the Facts in Support of Countmotion for Summary Judgment and in Opposition to Plaintiffs Motion for Summary Judgment; prepare
* 6/1/2005 AEL	13.6	\$120	\$1,632 memorandum on same; prepare exhibits
* 6/1/2005 LRS	8.25	\$200	\$1,650 Work on C&S Motion for Summary Judgment
			Interoffice conference regarding motions for summary
* 6/1/2005 ACT	0.5	\$150	\$75 judgment
* 6/2/2005 ACT	14	\$150	\$2,100 Work on C&S motion for summary judgment
* 6/2/2005 LRS	9.5	\$200	\$1,900 Work on Motions for Summary Judgment
6/2/2005 JSL	1	\$35	\$35 Prepare exhibits for filing
			Assist with preparation of documents to be filed in US District
6/2/2005 JGK	4.25	\$80	\$340 Court.

6/3/2005 JGK	0.5	\$80	\$40	Coordination of filing of cross motions.
				Finalize pleadings for filing; review latest correspondence; draft letter to T. Hogan regarding pdf copy of Counter motions and Oppositions; review email confirmations regarding the sending of same
6/3/2005 AEL	2.765	\$120	\$332	Review new pleadings regarding Motions for Summary Judgment; telephone calls regarding expert reports
6/3/2005 LRS	2.5	\$200	\$500	Prepare Materials requested by K&E re argument on Counter-Motion for Summary Judgment; prepare and file Errata to Concise Statement
6/8/2005 AEL	2.325	\$120	\$279	Correspondence regarding Guidance discovery; prepare
6/8/2005 LRS	2	\$200	\$400	supplemental filing; work on expert matters
* 6/9/2005 LRS	6.5	\$200	\$1,300	Work on C&S reply brief
* 6/9/2005 AEL	2.6	\$120	\$312	Opposition to C&S Counter motion and
* 6/10/2005 AEL	5	\$120	\$600	Work on reply re C&S Counter motion
* 6/10/2005 LRS	6	\$200	\$1,200	Work on reply
* 6/12/2005 LRS	4.75	\$200	\$950	Work on reply
				Review AlixPartners' Reply to Counter motion for Summary Judgment; review stipulation re good faith settlement; review final settlement document executed by Berry Schaul; confer with AlixPartners counsel re stipulation
6/14/2005 AEL	1.85	\$120	\$222	Work on reply and expert opinions
* 6/15/2005 LRS	7.5	\$200	\$1,500	Finalize Reply Briefs for C&S and PCT in Support of Counter motion for Summary Judgment; finalize evidentiary
6/15/2005 AEL	3.65	\$120	\$438	objections
				Review new pleadings regarding counter motions; review new correspondence regarding discovery and expert opinions; work on prepare for argument of motion for summary judgment;
* 6/16/2005 LRS	6.25	\$200	\$1,250	conversation with C&S regarding new hard drives
				Review pleadings filed by all defendants; prepare and re-file M. Walker's expert report; confer with G. Tom re documents
6/16/2005 AEL	1.535	\$120	\$184	filed
				Meetings regarding prep for argument and work on argument; review documents from court; review new correspondence
6/17/2005 LRS	4.125	\$200	\$825	from Fujichaku

6/18/2005 LRS	4	\$200	\$800 Work on prep for argument
			Preparation for hearing on Berry's Motion for Summary Judgment and PCT's and C&S's Counter-Motion for Summary Judgment
6/19/2005 AEL	1.575	\$120	\$189 Judgment
			Prepare documents and exhibits for hearing on Berry's Motion for Summary Judgment and PCT's and C&S's Counter-Motion for Summary Judgment; attend hearing on same
6/20/2005 AEL	3.1	\$120	\$372
6/20/2005 JGK	0.5	\$80	Prepare documents for Hearing on Motion for Summary Judgment. Transport and set-up binders at United States District Court for Hearing on Motion for Summary Judgment.
6/20/2005 LRS	3.25	\$200	\$650 Prepare and attend argument on motion; report to C&S
* 1/11/2006 LRS	8	\$200	Meeting with Jack Boria and prepare report regarding same; work on C&S's opposition to motion for permanent injunction
1/11/2006 THY	2.5	\$150	Review draft memoranda in opposition to Plaintiff's motion for permanent injunction; telephone conference with O. Samad
* 1/12/2006 LRS	6	\$200	\$375 regarding declaration of B. Christiansen
* 1/12/2006 THY	3.5	\$150	\$1,200 Work on C&S opposition to permanent injunction
			Prepare and file C&S' memorandum in opposition to Plaintiff's motion for permanent injunction
* 2/11/2006 THY	0.8	\$150	\$525 motion for permanent injunction
* 2/13/2006 LRS	9	\$200	Review Plaintiff's Rule 60 motion for reconsideration and proposed responses
* 2/14/2006 LRS	7.5	\$200	\$1,800 Work on C&S opposition to 60(b) motion
* 2/15/2006 LRS	3.5	\$200	\$1,500 Work on C&S opposition to 60(b)
			\$700 Work on C&S opposition to 60(b)
* 2/17/2006 LRS	5	\$200	Work on C&S opp to 60(b) Motion; work on revisions to Motions in Limine
* 2/17/2006 THY	5	\$150	RE: C&S - Finalize and file C&S Memorandum in Opposition to Motion for Reconsideration, declarations and exhibits
Total			\$750
			\$85,209
<b>6. Attendance at Court Hearings</b>			
10/20/2003 LRS	0.75	\$200	\$150 Attend scheduling conference

12/3/2003 LRS	1.25	\$200	\$250 Attend hearing and prepare report to C&S
2/17/2004 LRS	1	\$200	Attend hearing on Motion to Amend Complaint and on \$200 proposed settlement
3/17/2004 AEL	0.55	\$120	\$66 Status Conference before Judge Kobayashi
8/29/2004 LRS	1.75	\$200	\$350 Prep for argument on mtn for preliminary injunction
8/30/2004 LRS	2.5	\$200	\$500 Prepare and attend argument on mtn for preliminary injunction Final preparatohn for hearing on Motion for issuance of
8/30/2004 AEL	1.35	\$120	\$162 Preliminary Injunction, attend hearing Telephone calls and correspondence with Liebler and Hosoda re preliminary injunction; discovery master and retention of expert
9/21/2004 LRS	1.5	\$200	\$300 expert prep for preliminary injunction hearing; correspondence re
9/24/2004 LRS	2	\$200	\$400 Court inquiry on the date of the injunction hearing Prep for hearings regarding special master and preliminary injunction
9/26/2004 LRS	1	\$200	\$200 injunction Attend hearing on special master and prepare for preliminary injunction motion
9/27/2004 LRS	4.5	\$200	\$900 injunction motion Prepare documents for conference with Liebler, Hosoda, Dulac, Mead, and Dillon; attend conference with same
9/27/2004 AEL	1.6	\$120	\$192 Dulac, Mead, and Dillon; attend conference with same
9/28/2004 LRS	3	\$200	\$600 Prepare and attend hearing on motion for preliminary injunction
* 9/29/2004 AEL	0.8	\$120	\$96 Prepare stipulation to set aside default
* 9/30/2004 AEL	0.4	\$120	\$48 Finalize Answer and prepare for filing
Total			\$4,414